

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00278-APM**

NICHOLS KASTER, PLLP et al v. UNITED STATES
DEPARTMENT OF LABOR
Assigned to: Judge Amit P. Mehta
Demand: \$7,000
Cause: 05:552 Freedom of Information Act

Date Filed: 02/07/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NICHOLS KASTER, PLLP
TERMINATED: 05/08/2018

represented by **James H. Kaster**
NICHOLS KASTER, PLLP
4600 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
612-256-3200
Email: kaster@nka.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lindsey E. Krause
NICHOLS KASTER, PLLP
4600 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
612-256-3200
Email: lkrause@nka.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason D. Friedman
12500 Fair Lakes Circle
Suite 300
Fairfax, VA 22033
(571) 522-6116
Fax: (571) 522-6101
Email: jfriedman@constangy.com
TERMINATED: 09/21/2018

Plaintiff

**COHEN MILSTEIN SELLERS &
TOLL PLLC**

represented by **Gregg Cohen Greenberg**
ZIPIN, AMSTER & GREENBERG, LLC
8757 Georgia Avenue
Suite 400
Silver Spring, MD 20910
(301) 587-9373
Fax: (240) 839-9142
Email: ggreenberg@zagfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James H. Kaster
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lindsey E. Krause
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason D. Friedman
(See above for address)
TERMINATED: 09/21/2018

V.

Defendant

**UNITED STATES DEPARTMENT OF
LABOR**

represented by **Derek S. Hammond**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: derek.hammond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benton Gregory Peterson
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
TERMINATED: 03/01/2019

Date Filed	#	Docket Text
02/07/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF LABOR (Filing fee \$ 400 receipt number 0090-5322467) filed by Nichols Kaster, PLLP, COHEN MILSTEIN SELLERS & TOLL PLLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Friedman, Jason) (Entered: 02/07/2018)
02/09/2018	<u>2</u>	ERRATA Pursuant to LCvR 5.1(c) by COHEN MILSTEIN SELLERS & TOLL PLLC, Nichols Kaster, PLLP <u>1</u> Complaint, filed by COHEN MILSTEIN SELLERS & TOLL PLLC, Nichols Kaster, PLLP. (Friedman, Jason) (Entered: 02/09/2018)
02/09/2018		Case Assigned to Judge Amit P. Mehta. (zmd) (Entered: 02/09/2018)
02/09/2018	<u>3</u>	SUMMONS (1) Issued Electronically as to UNITED STATES DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 02/09/2018)
02/09/2018		SUMMONS Not Issued as to U.S. Attorney, U.S. Attorney General (zmd) (Entered: 02/09/2018)
02/12/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- James H. Kaster, :Firm- Nichols Kaster, PLLP, :Address- 80 S. 8th Street, Suite 4600, Minneapolis, MN 55402. Phone No. - 612-256-3200. Fax No. - 612-338-4878 Filing fee \$ 100, receipt number 0090-5328934. Fee Status: Fee Paid. by COHEN MILSTEIN SELLERS & TOLL PLLC, NICHOLS KASTER, PLLP (Attachments: # <u>1</u> Declaration of James H. Kaster, # <u>2</u> Text of Proposed Order)(Friedman, Jason) (Entered: 02/12/2018)
02/12/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Lindsey E. Krause, :Firm- Nichols Kaster, PLLP, :Address- 80 S. 8th Street, Suite 4600, Minneapolis, MN 55402. Phone No. - 612-256-3200. Fax No. - 612-338-4878 Filing fee \$ 100, receipt number 0090-5328940. Fee Status: Fee Paid. by COHEN MILSTEIN SELLERS & TOLL PLLC, NICHOLS KASTER, PLLP (Attachments: # <u>1</u> Declaration of Lindsey E. Krause, # <u>2</u> Text of Proposed Order)(Friedman, Jason) (Entered: 02/12/2018)

02/13/2018		MINUTE ORDER granting <u>4</u> Motion for Leave to Appear Pro Hac Vice. Attorney James H. Kaster is hereby admitted pro hac vice to appear in this matter. Signed by Judge Amit P. Mehta on 02/13/2018. (lcapm1) (Entered: 02/13/2018)
02/13/2018		MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice. Attorney Lindsey E. Krause is hereby admitted pro hac vice to appear in this matter. Signed by Judge Amit P. Mehta on 02/13/2018. (lcapm1) (Entered: 02/13/2018)
03/12/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/15/2018. (Krause, Lindsey) (Entered: 03/12/2018)
03/12/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF LABOR served on 2/16/2018 (Krause, Lindsey) (Entered: 03/12/2018)
03/22/2018	<u>8</u>	ORDER TO SHOW CAUSE why this matter should not be dismissed for failure to serve if Plaintiffs do not serve the U.S. Attorney for the District of Columbia on or before May 8, 2018. Please see the attached Order for additional details. Signed by Judge Amit P. Mehta on 03/22/2018. (lcapm1) (Entered: 03/22/2018)
03/26/2018	<u>9</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of UNITED STATES DEPARTMENT OF LABOR (Peterson, Benton) (Entered: 03/26/2018)
04/06/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/23/2018. Answer due for ALL FEDERAL DEFENDANTS by 4/22/2018. (Krause, Lindsey) (Entered: 04/06/2018)
04/23/2018	<u>11</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF LABOR.(Peterson, Benton) (Entered: 04/23/2018)
04/23/2018		MINUTE ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before May 7, 2018. The Joint Status Report shall include (1) the status of Plaintiffs' FOIA request; (2) the anticipated number of documents responsive to Plaintiffs' FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiffs; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 04/23/2018. (lcapm1) (Entered: 04/23/2018)
04/23/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/7/2018. (zcdw) (Entered: 04/24/2018)
04/26/2018	<u>12</u>	MOTION for Partial Judgment on the Pleadings by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) . (Entered: 04/26/2018)
05/03/2018	<u>13</u>	Consent MOTION for Extension of Time to <i>File a Joint Status Report</i> by UNITED STATES DEPARTMENT OF LABOR (Peterson, Benton) (Entered: 05/03/2018)
05/03/2018		MINUTE ORDER granting Defendant's <u>13</u> Unopposed Motion for Extension of Time to File Joint Status Report. The parties' Joint Status Report shall now be due on or before May 21, 2018. Signed by Judge Amit P. Mehta on 05/03/2018. (lcapm1) (Entered: 05/03/2018)
05/03/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/21/2018. (zcdw) (Entered: 05/06/2018)
05/08/2018	<u>14</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF LABOR filed by COHEN MILSTEIN SELLERS & TOLL PLLC. (Attachments: # <u>1</u> Exhibit A)(Friedman, Jason) (Entered: 05/08/2018)
05/09/2018		MINUTE ORDER. In view of Plaintiff Cohen Milstein Sellers & Toll PLLC's filing of an Amended Complaint that removes as a named plaintiff Nichols Kaster, PLLP, Defendant's <u>12</u> Motion for Partial Judgment on the Pleadings is denied as moot. The <u>14</u> Amended Complaint shall now be the operative complaint in this matter. Signed by

		Judge Amit P. Mehta on 05/09/2018. (lcapm1) (Entered: 05/09/2018)
05/21/2018	<u>15</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Peterson, Benton) (Entered: 05/21/2018)
05/21/2018		MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before June 20, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 05/21/2018. (lcapm1) (Entered: 05/21/2018)
05/21/2018		Set/Reset Deadlines: Joint Status Report due by 6/20/2018. (zjd) (Entered: 05/24/2018)
06/20/2018	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Peterson, Benton) (Entered: 06/20/2018)
06/21/2018		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, the parties are directed to file another Joint Status Report on or before July 20, 2018. Signed by Judge Amit P. Mehta on 06/21/2018. (lcapm1) (Entered: 06/21/2018)
06/21/2018		Set/Reset Deadlines: Joint Status Report due by 7/20/2018. (zjd) (Entered: 06/21/2018)
07/20/2018	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Peterson, Benton) (Entered: 07/20/2018)
07/23/2018		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before September 20, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 07/23/2018. (lcapm1) (Entered: 07/23/2018)
07/24/2018		Set/Reset Deadlines: Joint Status Report due by 9/20/2018. (tg) (Entered: 07/24/2018)
09/20/2018	<u>18</u>	Joint STATUS REPORT by COHEN MILSTEIN SELLERS & TOLL PLLC. (Krause, Lindsey) (Entered: 09/20/2018)
09/20/2018		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before October 22, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 09/20/2018. (lcapm1) (Entered: 09/20/2018)
09/20/2018		Set/Reset Deadlines: Joint Status Report due by 10/22/2018. (zjd) (Entered: 09/21/2018)
09/21/2018	<u>19</u>	NOTICE of Appearance by Gregg Cohen Greenberg on behalf of COHEN MILSTEIN SELLERS & TOLL PLLC (Greenberg, Gregg) (Entered: 09/21/2018)
09/21/2018	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COHEN MILSTEIN SELLERS & TOLL PLLC. Attorney Jason D. Friedman terminated. (Friedman, Jason) (Entered: 09/21/2018)
10/22/2018	<u>21</u>	Joint STATUS REPORT by COHEN MILSTEIN SELLERS & TOLL PLLC. (Krause, Lindsey) (Entered: 10/22/2018)
10/23/2018		MINUTE ORDER. Upon consideration of the parties' <u>21</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before November 27, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 10/23/2018. (lcapm1) (Entered: 10/23/2018)
10/23/2018		Set/Reset Deadlines: Joint Status Report due by 11/27/2018. (tg) (Entered: 10/23/2018)
11/27/2018	<u>22</u>	Joint STATUS REPORT by COHEN MILSTEIN SELLERS & TOLL PLLC. (Krause, Lindsey) (Entered: 11/27/2018)
11/27/2018		MINUTE ORDER. Upon consideration of the parties' <u>22</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before December 27, 2018, that updates the court on Defendant's search and production efforts and, if

		necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 11/27/2018. (lcapm1) (Entered: 11/27/2018)
11/27/2018		Set/Reset Deadlines: Joint Status Report due by 12/27/2018. (zjd) (Entered: 11/28/2018)
12/27/2018	<u>23</u>	Joint STATUS REPORT by COHEN MILSTEIN SELLERS & TOLL PLLC. (Krause, Lindsey) (Entered: 12/27/2018)
01/02/2019		MINUTE ORDER. The parties shall submit an additional Joint Status report no later than January 31, 2019, which updates the court on Defendant's production efforts and, if appropriate, proposes a summary judgment briefing schedule. Signed by Judge Amit P. Mehta on 1/2/2019. (lcapm2) (Entered: 01/02/2019)
01/02/2019		Set/Reset Deadlines: Joint Status Report due by 1/31/2019. (zjd) (Entered: 01/03/2019)
01/31/2019	<u>24</u>	Joint STATUS REPORT by COHEN MILSTEIN SELLERS & TOLL PLLC. (Krause, Lindsey) (Entered: 01/31/2019)
02/01/2019		MINUTE ORDER. The parties shall file their next Joint Status Report on or before March 1, 2019, updating the court on the production of responsive records. Signed by Judge Amit P. Mehta on 02/01/2019. (lcapm1) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report due by 3/1/2019. (zjd) (Entered: 02/06/2019)
03/01/2019	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of All Defendants Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 03/01/2019)
03/01/2019	<u>26</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Hammond, Derek) (Entered: 03/01/2019)
03/04/2019		MINUTE ORDER. The parties shall advise the court no later than May 1, 2019, whether summary judgment briefing will be required in this matter and, if so, propose a briefing schedule. Signed by Judge Amit P. Mehta on 03/04/2019. (lcapm1) (Entered: 03/04/2019)
03/04/2019		Set/Reset Deadlines: Proposed Briefing Schedule due by 5/1/2019. (zjd) (Entered: 03/10/2019)
05/01/2019	<u>27</u>	Joint STATUS REPORT by COHEN MILSTEIN SELLERS & TOLL PLLC. (Krause, Lindsey) (Entered: 05/01/2019)
05/01/2019		MINUTE ORDER. The parties shall advise the court no later than June 17, 2019, whether summary judgment briefing will be required in this matter and, if so, propose a briefing schedule. Signed by Judge Amit P. Mehta on 05/01/2019. (lcapm1) (Entered: 05/01/2019)
05/01/2019		Set/Reset Deadlines: Proposed Briefing Schedule due by 6/17/2019. (zjd) (Entered: 05/02/2019)
06/17/2019	<u>28</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 06/17/2019)
06/17/2019		MINUTE ORDER. The parties shall advise the court no later than August 16, 2019, whether summary judgment briefing will be required in this matter and, if so, propose a briefing schedule. Signed by Judge Amit P. Mehta on 06/17/2019. (lcapm1) (Entered: 06/17/2019)
06/17/2019		Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 8/16/2019. (zjd) (Entered: 06/18/2019)
08/15/2019	<u>29</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 08/15/2019)
08/15/2019		MINUTE ORDER. The parties shall file a Joint Status Report by October 15, 2019, updating the court on whether they have reached agreement on attorney's fees and, if not, proposing a briefing schedule. Signed by Judge Amit P. Mehta on 08/15/2019. (Entered: 08/15/2019)

08/15/2019		Set/Reset Deadlines: Joint Status Report due by 10/15/2019. (zjd) (Entered: 08/16/2019)
10/15/2019	<u>30</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 10/15/2019)
10/16/2019		MINUTE ORDER. The parties shall file a Joint Status Report by December 16, 2019, updating the court on whether they have reached agreement on attorney's fees and, if not, proposing a briefing schedule. Signed by Judge Amit P. Mehta on 10/16/2019. (lcapm1) (Entered: 10/16/2019)
10/16/2019		Set/Reset Deadlines: Joint Status Report due by 12/16/2019. (zjd) (Entered: 10/16/2019)